

**Town of Richmond**  
**Planning Board Public Hearing**  
**December 15, 2020      7:00 PM      Veterans Hall**

**Members Present:**

Stacie Maillet (Chairman)  
Lloyd Condon (Vice Chairman)  
Doug Smith (Secretary)  
Eric Duda  
Seth Reece  
Doug Bersaw (Selectman's Rep.)  
Jed Butterfield (Alt.)

**Members Absent**

Jason Macdonald  
Butch Morin (Alt.)

Public:, Kevin Fadden (ITW), Susan Taylor, Jeff Taylor, Attorney Steven Grill (ITW), Kevin Delaney (ITW), Attorney Shayna Galinat (ITW), Rick Voci (ITW).

Meeting called to order at 7:07 PM.

**1. Public:**

No one from the public.

**2. Proposed cell tower application:**

In regards to the public hearing deliberations were open. Vice Chairman Condon stepped down and removed himself from the table.

Deliberations were open at 7:10 PM.

This is a 25-acre parcel, the tower will sit back off of Fitzwilliam Road ( Rt. 119) by 1100 feet. The nearest abutter, Map 407 Lot 96 at 222 feet, the next closest is Map 407 Lot 94-4 at 352 feet. The proposal is for a 175' lattice tower to accommodate five carriers.

Site Walk was set for December 9, 2020 at 7:00 AM on location at 323 Fitzwilliam Road, Richmond, NH.

Members who attended where: Stacie Maillet, Eric Duda, Jed Butterfield and Doug Smith.

The overall input was the area was exactly as described by the applicant. The area was well marked and wetlands were delineated and met the setback of 75 feet.

The area flagged for the proposed cell tower was very flat and would need very little work as described by the applicant in the past meetings. The proposed area for the overhead utility wires to come in is equally fairly clear already. The power would start above ground for 5 lengths and then go underground for the last two.

From the ground level with the removal of trees from the abutters property there was no view of the abutters house. The natural vegetation would be adequate at this time to screen any viewing.

THESE MINUTES MAY BE APPROVED AND /OR AMENDED AT THE FOLLOWING MEETING

Duda who reviewed the proposed application for completeness to the Richmond Site Plan Review Regulations was asked to share information from Southwest Region Planning Commission. Lisa Murphy Senior Planner for SWRPC did an independent review of the proposed application. Through Murphy's review she was clear that the most important aspects are aesthetics and safety as primary concerns of the residents of Richmond. Murphy continued that the lattice design is a better less visible tower than the monopole. The neutral color of the tower will blend in with the sky and reduce visibility of the structure.

Murphy mentioned that the fall zone which well exceeds the height of the tower adding that the lattice style tower is self-collapsing. Murphy suggested that the Planning Board must be sure to review the application relative to aesthetics and safety and be sure they have been adequately addressed.

The comments sections put together by Murphy are comments based on a combination of NH requirements, local land use requirements are generally accepted planning practices.

- The Board must determine if the proposal represent a development of regional impact in accordance with NH RSA 36:54 – 58.
- The applicant has requested 11 waivers of the site plan submission requirements. The Board should address each waiver and determine if it will be approved or denied.

Murphy included some conditions of approval that the Board may want to consider if they deem it necessary.

- The board should consider requiring a performance bond that will cover the reclamation costs in the event that the tower becomes obsolete.
- Consideration should be given to use the tower by Town emergency services to enhance communications.
- Proper tracking apron should be maintained for the accessway to the property and any material tracked onto the highway needs to be removed immediately.
- Proper site lines maintained for vehicles entering onto the public roadway. Any signs, permanent or temporary, should be placed out of the sight line area.

Jed Butterfield took his place on the board and was seated for Jason Macdonald at 7:35 PM.

Discussion in reference to RSA 36:54 – 58, it was the boards combined decision that the proposed tower was not of regional impact.

Motion made by Eric Duda that the board reviewed the potential of Regional impact in accordance with RSA 36:54 – 58 and is considered by the Planning Board to not be of Regional Impact. Seconded by Seth Reece. All in favor. None opposed. Motion carries.

Waivers were discussed at the Hearing of December 1, 2020 to great length, the Planning Board consensus was to review them a second time before moving forward.

#### **IV. Submission Requirements:**

**B4** Original on mylar in permanent ink, ITW requested to provide the mylar for the final approved plan.

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Discussion with Cheshire County Registry of Deeds with Anna Tilton said that they do not register Site Plans for Cell towers. The Registry's office only does land changes including sub-divisions, lot line adjustments, lot mergers and changes on the original deed. The town of Richmond has no need for a Mylar so it was determined that ITW does not need to supply the Town of Richmond with a Mylar of the proposed Site Plan and will have to provide the Planning Board with a Waiver stating such.

**V. Required Exhibits and Data:**

**F. The size and location of the proposed water supply and sewage facilities.**

There will be no water or sewage on the proposed site. The site will not have anyone at the location on a regular basis. It was determined that the only time would be through the construction stage and portable facilities will be on site until the completion of the proposed tower then be removed.

**G. Solid Waste disposal facilities.** No solid waste disposal containers are required, company policy, what goes in must come out with you. There will be a temporary roll off during the construction of the proposed tower and it will be removed at the completion of the proposed cell tower.

**H. Location, elevation a layout of catch basins and other surface drainage features.** There are no catch basins proposed as existing drainage swales are already in place.

During the site walk on the proposed location the board were shown the existing swales and it was a consensus of the board that catch basins were not necessary.

**J. The type, extent and location of existing and proposed landscaping and open space areas.**

No additional landscaping or open space are proposed given the naturally existing vegetation and landscaping conditions in the area.

Smith asked about buffering for the business when people are coming in to pick up Christmas trees. Applicant Jeff Taylor said that it would not be necessary, the trees are harvested and new trees are planted creating new growth to help with buffering. On the site walk it was clear that the planting of new trees go to the edge of the compound.

The board determined on the site walk that the natural vegetation and landscape would be sufficient due to natural growth and the distance to provide screening of the proposed tower.

**L. Size and location of Public service connections.** There will be no water or sewage facilities.

**M. Location and types of lighting for all outdoor facilities.** FAA Determination of No Hazard to Air Navigations. Request for ground lightning details. Ground lightning is not presently contemplated.

The Richmond Fire Department request some kind of motion lights for the actual compound area in case of emergency. The motion lights would face downward and only on the compound.

**Q. If a subdivision all Subdivision Regulations shall apply.** Waiver requested as this is not a subdivision.

**U. Flood Hazard Areas per XIV of this regulation.** Waiver request for the proposed site lies outside of the 100- year flood plan.

**VII Buffers:**

**B. Plan submitted showing locations and types of vegetation to be retained and established.** Waiver request there is over 250 feet of natural existing vegetation between the compound and closest abutting property.

No vegetation buffer is being offered.

This was discussed in V-J and the natural vegetation and distance from abutting property lines seem adequate at this time.

**VIII. Screening:**

**No waiver requested.**

Screening will not need to be done and the entire compound will be fenced in.

**IX Parking, Loading and Pedestrian Safety:**

- 1. Shelter for Children at the bus stops.** Request Waiver this does not pertain to the proposed cell tower.

**X. Erosion and Sedimentation:**

**F. Include drawings, details and specifications for proposed flood hazard prevention.** Request Waiver, ITW is not proposing any significant increase in impervious surfaces.

**XL. Illumination:**

Request by the Richmond Fire Department to install motion lights facing downward to shine only on the compound in case of emergency.

**XIV. Flood Plain Hazard**

**A. Waiver request for 1-4,** this is not determined to be a flood plain.

Motion made by Smith to approve the waivers are presented with the pending conditions the board requests. Seconded by Seth Reece. All in favor. None opposed. Motion carries.

Butterfield told the board that there should not be any conditions in the motion that the condition should be done separately.

Smith made a motion to amend his motion and approve the waivers as presented. Seconded by Reece. All in favor. None opposed. Motion carries.

Motion made by Smith to accept the waivers as presented. Seconded by Reece. All in favor. None opposed. Motion carries.

Condition as set forth by the Planning Board.

1. Request a waiver to not provide a Mylar.
2. Submit a plan for electrical service once the provider has established the best route to prevent the least amount of disturbed land. Submitted to Selectmen and the Planning Board before building permit is granted.

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3. Space for Richmond Emergency Services to occupy placement on the tower for a repeater for Fire and Rescue. ITW to provide training for Fire and Rescue at no cost once the tower is completed.
4. Spill kit on site.
5. Installation of emergency motion lights to face downward within the fenced area of the compound.
6. Proper traffic signs permanent or temporary will not block the line of site entering or leaving Rt.119. Proper tracking apron should be maintained entering and leaving the property. Clean-up of any material tracked onto Rt. 119 must be cleaned up immediately.
7. To adhere to the Conditions of Approval set forth by the Zoning Board of Adjustment on September 29, 2020.

Discussion on a performance bond as suggested by SWRPC to cover reclamation costs in the event that the tower becomes obsolete.

Duda suggested that there be no bond set and ITW would not be going through all of this trouble if they didn't have confidence that the tower would be used. If the tower didn't work out or became obsolete it would be up to the land owner to figure out what to do and not the town this is on private property. The overall consensus of the Planning Board was not to include a bond in their final Conditions of Approval

Question was asked about the length of time to construct the tower from start to finish?

Kevin Delaney (ITW), said that there would not be a lot of fill transported in or out for the facility due to the as present level surface. Trucks and equipment would be entering at different times as the construction is done very systematically. The total project from start to finish should take about 60-90 days.

Question on the increase in tower height exceeding the 175" proposed?

Delaney (IYW) stated that Federal Law permits 12K or a 20-foot increase without further approval. ITW doesn't see this happening and the public safety antenna (whip antenna) is usually at the top of the tower and can be quite lengthy.

With no further questions or concerns from the board.

Motion made by Butterfield to accept the application for the ITW cell tower located at 323 Fitzwilliam Road contingent upon the conditions set forth by the Richmond Planning Board and the Zoning Board of Adjustment. Seconded by Eric Duda. All in favor. None opposed. No abstentions. Motion carries.

Butterfield wanted to thank the Jeff and Susan Taylor for bringing this service to our Town and ITW for dealing with the application process.

Vice Condon resumed his seat with the board at 8:30 PM.

**3. Mail:**

Southwest Region Planning Commission Newsletter.

**4. Minutes of November 17, 2020:**

Heading on minutes separate the words AMEND and AT.

Page 2, under 5.six paragraphs down, sixth line add the word be. Should read: disturbance of the wetlands will **be** handled.

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Page 3, first paragraph third line down, change the word Moring the Morin. Should read: **Morin** has served as a commissioner representing.

Motion made by Butterfield to accept the minutes as amended. Seconded by Reece. All in favor. None opposed. One abstention. Motion carries.

**Minutes December 1, 2020:**

Heading on minutes separate the words AMEND and AT.

Page 2, Fourth paragraph down, Third line change the word then to the. Same paragraph last line add the word on: Underground depending **on** the soil and ledge.

Sixth paragraph down, second line from bottom, pull the word so. Should read: located in Dunbarton, NH, all work would be locally done.

Page 3, Under M. Second line should read: Ground lighting **is not** presently contemplated.

VII. Buffers, under B. second line down change the first word from thee to **there**.

XIV. Flood Plain Hazard, Under A. first line at end change the word sit to **sits**.

Page 4, Third paragraph down fourth line change the word could to would. Should read: They should pour pads when they come.

Page 5. Third paragraph down strike this entire section.

Page 8, top of page change the word no to not. Should read: property values are **not** a basis to deny.

Page 9. Ninth paragraph down, third sentence change the word by to but. Should read: Hamilton tried to click **but** had not results.

Page 10, Eight paragraphs down, second line from bottom of paragraph change the dimensions of 100 X 100 to 80 X 80.

Last paragraph, first line add the word for. Should read: permits haven't been applied **for** until ITW has all their approvals in place.

Motion made by Chairman Maillet to accept the minutes as amended. Seconded by Smith. All in favor. None opposed. Motion carries.

**5. Proposed Zoning Ordinances Ballot 2021:**

Selectmen have asked for some Zoning changes to appear on the Richmond 2021 ballot.

Concern if there was time to include the changes. At this time the first Public Hearing would have to be posted by December 30, 2020. Discussion that the board could try to pursue the changes or due to time restraints push them into the following year. The board would move forward with time restraints.

**Change, 301 Ruins:** To eliminate the word dilapidated. The Selectmen wanted the word removed to eliminate any potentially subjective construction of the word “dilapidated.” They believe the word ruins is well defined in Article 17 of the Zoning Ordinances.

**Change, 305 Recreation Vehicles:** Remove the words “by permit of the Selectmen.” This is to eliminate the necessity for permission for any overnight or short term stay in a camper or RV on private land until 3 months of occupancy time has elapsed.

Discussion within the board prompted the question how the Selectmen will know how long someone has been living in their RV unless they apply for 3 months to stay. Suggestion made that short term was not necessary if they stayed for 2 months or less they would be exempt from requesting permission from the Selectmen. Condon mentioned that there are people in town who have lived in RV’s for years going against our Zoning and the Selectmen should take action.

Conversation continued that the RV is a recreational vehicle and the history in Richmond as long as people are showing progress with construction of a permanent home after the 3-month granted stay they could be granted an extension. Tiny homes and parking them on someone’s property for extended periods of time? This ordinance does not mention tiny homes. Issue of concern is the lack of proper septic and water and how the State of NH will label tiny homes.

**Change to 1767 Structure:** Would like to add to 1767, “This does not include fencing, stone walls, driveways or culverts.

Discussion that fencing, stone walls, driveways and culverts are all structures. It was mentioned that there are setbacks to the road and putting in a driveway would inhibit that set back. Response was that putting in a driveway to the roads edge would be different and would need some kind of permit and be called something as both driveways and culverts pose construction. Adding this in the definition seems to be taken to literally. There are other examples that could be added and starting to name specific items makes the definition to narrow.

**Change to Article 2: Establishment of districts under 202.1 C Delineation of Districts more specifically 202.1 C. and Article 6: Wetland Conservation District: under 601 General:**

**202.1C Wetlands Conservation District (Article 6):** All land areas within seventy-five (75) feet, as measured by horizontal distance, of the high water mark of any pond, stream, brook, or wetland and areas identified as delineated as poorly drained or very poorly drained soils by the Cheshire County Conservation District Soil Survey of Cheshire County New Hampshire, completed in 1989.

Change both 202.1 C and Article 6 to: Wetlands Conservation District (Article 6): All land areas within twenty (20) feet, as measured by horizontal distance, of the high-water mark of any pond, stream, brook or wetland as defined in Article 17.

There was a lot of discussion on the setback to the Wetland Conservation District. Bersaw attended the Richmond Conservation Commission meeting on Thursday December 3, 2020 to discuss the reduction of the setback. The suggested distance that the Conservation Commission with no building set at a minimum of 25’

from the high-water mark. The Commission thought this was a reasonable reduction considering that the State of NH is zero (0).

There was concern that the vernal pools which are habitats required for life cycle of certain amphibians and macroinvertebrates. How would a setback reduction affect them.

It was discussed that there was relief through the Zoning Board of Adjustments to allow building and using property closer than the 75' setback. Zoning Board action allowed the education about how to protect the wetlands through the use of silt fencing and hay bales and to be sure the silt fencing was properly installed to achieve the greatest amount of protection for wetlands.

It was suggested that maybe a 40' or 50' setback would be better to protect our wetlands and future water supply. Further discussion at the next meeting.

## **6. Other:**

### **1. Carry 2020 budget into 2021:**

Land Use Assistant asked if the Planning Board could carry over any monies left in their year-end budget to put toward a lap top for Land Use to use. At this time there is a lap top stationary at the Town Hall that could be used for Zooms but it cannot leave the Town Hall unless there is a town meeting or voting. Presently the agendas, minutes and business of the Land Use Department is done on a personal computer and it would be nice to have a computer designated just for Land Use business.

The board agreed that the Land Use needs to have their own lap top and to carry over the budget.

### **2. Zoom and Local meetings:**

Discussion to set up Zoom for meetings and hearing to allow greater attendance by board members. Many board members cannot attend the scheduled meetings and hearings due to their age or health and the lack of some members not wearing masks. It was mentioned that a long-term alternate of the board asked about Zoom and will not come back until we have zoom. This member is also the Richmond Representative for Richmond to the Southwest Region Planning Commission and sits on the board of the Southwest Region Planning Commission. Much of the history of the past on the land use boards is lost with the absence of this member. At present the SWRPC does all of their meetings via Zoom.

With no further business before the board.

Motion made by Chairman Maillet to adjourn. Seconded by Smith. All in favor. None opposed. Motion carries. Next meeting will be held December 29, 2020 at 7:30 located at the Veterans Hall to discuss zoning changes at greater length.

Meeting adjourned at 10:00 PM.

Respectfully Submitted

Kandace Mattson